

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ACRES 4.0, a Nevada Corporation,

Plaintiff,

v.

IGT, a Nevada Corporation,

Defendant.

IGT, a Nevada Corporation,

Counterclaimant,

v.

ACRES 4.0, a Nevada Corporation; Acres  
Manufacturing Company, a Washington  
Corporation; and John Acres, an individual,

Counterdefendants.

Case No. 2:21-cv-01962-GMN-BNW

**STIPULATED SCHEDULING  
ORDER**

**SPECIAL SCHEDULING REVIEW  
REQUESTED FOR A PATENT CASE**

Pursuant to Fed. R. Civ. P. 26(f), Local Rule 26-1, Local Patent Rule 1-3 et seq., and this Court's Order for the proposal of a new Joint Discovery Plan and Scheduling Order (ECF No. 173), Plaintiff-Counterdefendant Acres 4.0 and Counterdefendants Acres Manufacturing Company and John Acres, by their attorneys, and Defendant-Counterclaimant IGT, by its attorneys, (collectively, the "Parties") hereby stipulate and request that the following Proposed Scheduling Order be entered by the Court in the above-captioned action.

The Parties filed a Proposed Stipulated Discovery Plan and Scheduling Order on April 12, 2022. *See* ECF No. 45. During a May 24, 2022 hearing, Magistrate Judge Weksler resolved disputes between the Parties concerning provisions of the Proposed Stipulated Discovery Plan and Scheduling Order. Magistrate Judge Weksler also instructed the parties to submit a proposed schedule if the Parties could reach agreement. *See* ECF No. 76. Pursuant to that instruction, the Parties submitted a stipulated Proposed Scheduling Order, and that Order was entered on June 10, 2022. ECF No. 84. On October 24, 2022, the Court granted Acres' motion to amend its non-infringement contentions.

ECF No. 110. One day later, the case was stayed on October 25, 2022. ECF No. 112. The stay lasted for 385 days and was lifted on November 14, 2023. *See* ECF No. 172. This Court Ordered the Parties to propose a new Joint Discovery Plan and Scheduling Order. ECF No. 173. That new Scheduling Order is below.

# **I. STATEMENT PURSUANT TO LOCAL RULE 26-1(a)**

The Parties respectfully request special scheduling review to permit longer deadlines in this case. Specifically, the Parties included opportunities to amend claim construction papers to account for any changes that may have occurred due to the case's stay.

## **Past Events:**

Event	Deadline
1. Disclosure of Non-Infringement, Invalidity, and Unenforceability Contentions	<b>Occurred on April 12, 2022</b>
2(a). Disclosure of Supplemental Non-Infringement Contentions and LPR 1-9 Document Production	<b>Occurred on June 21, 2022</b>
2. Disclosure of Response to Invalidity and Unenforceability Contentions	<b>Occurred on June 2, 2022</b>
3(a). Asserted Claims, and Infringement Contentions	<b>Occurred on June 21, 2022</b>
3. Exchange of Proposed Terms for Construction	<b>Occurred on September 6, 2022</b>
4. Exchange of Preliminary Claim Constructions and Extrinsic Evidence	<b>Occurred on September 20, 2022</b>
5. Submit Joint Claim Constructions and Prehearing Statement	<b>Occurred on October 4, 2022</b>
6. Order Granting Acres Leave to serve Amended Supplemental Non-Infringement Contentions	<b>Occurred on October 24, 2022 [ECF No. 110]</b>
7. Opening Claim Construction Brief	<b>Occurred on October 25, 2022</b>

**Proposed Events:**

Event	Proposed Deadline
8. Fact Discovery Cut-Off	<b>October 29, 2024</b> [22 days before <i>Markman</i> order]  [This deadline allows discovery for 589 days after the first defendant answered on 2/28/2022 (accounting for the 385 days the case was stayed).]
9. Motions to Amend Pleadings/Parties	<b>July 31, 2024</b> [90 days to close of discovery]
10. IGT's Amended Answer/Counterclaims	<b>January 11, 2024</b> [24 days from scheduling order deadline]
11. Acres' Amended Answer to Counterclaims	<b>January 25, 2024</b> [14 days after service of IGT's Amended Answer/Counterclaims, FRCP 15(a)(3)]
12. IGT's Amended Infringement Contentions and Disclosure of Asserted Claims, including corresponding LPR 1-7 document production	<b>February 8, 2024</b> [14 days after service of amended pleading, FRCP 15(a)(3)]
13. Acres' Amended Non-Infringement, Invalidity, and Unenforceability Contentions and corresponding LPR 1-9 document production	<b>March 25, 2024</b> [46 days later, <i>see</i> LPR 1-11]
14. IGT Response to Invalidity and Unenforceability Contentions	<b>April 24, 2024</b> [30 days later, <i>see</i> LPR 1-10]
15. Exchange of Amended Proposed Terms for Construction	<b>May 8, 2024</b> [14 days later] [per agreement of the Parties to revisit claim construction since circumstances may have changed since the stay was granted and agreement that claim construction should occur after exchange of contentions]
16. Exchange of Amended Preliminary Claim Constructions and Extrinsic Evidence	<b>May 22, 2024</b> [14 days later]
17. Submit Amended Joint Claim Constructions and Prehearing Statement	<b>June 5, 2024</b> [14 days later]

Event	Proposed Deadline
18. IGT's Amended Opening Claim Construction Brief	<b>June 26, 2024</b> [21 days later]
19. Acres' Response to Claim Construction Brief	<b>July 17, 2024</b> [21 days later]
20. IGT's Reply to Claim Construction Brief	<b>July 24, 2024</b> [7 days later]
21. Claim Construction Tutorials, Hearing, and Order	<b>Tutorials and Hearing: September 20, 2024</b> [58 days later]  <b>Order: November 20, 2024</b> [61 days later]  [Within 60 days after the Reply brief is filed, the Court will complete its Hearing, and issue its Order within an additional 60 days. If the Court is unable to issue its Order within 120 days after submission of the reply brief, the Court may reset expert disclosure deadlines as requested by a party or stipulation.]
22. Disclosure of Amended Contentions under LPR 1-18a and Opinions of Counsel Defense under LPR 1-18b	<b>December 20, 2024</b> [30 days after the Claim Construction Order]
23. Opening Expert Disclosures	<b>February 18, 2025</b> [90 days after Claim Construction Order issued by Court]
24. Rebuttal Expert Disclosures	<b>March 18, 2025</b> [28 days after Opening Expert Disclosures]
25. Expert Discovery Cut-Off	<b>April 22, 2025</b> [35 days after Rebuttal Expert Disclosures]
26. Dispositive Motion Deadline	<b>May 22, 2025</b> [30 days after expert discovery closes]

1 STIPULATED AND AGREED to this 18th day of December 2023.

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18 **IT IS SO ORDERED.**

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20 BREND A WEKSLER  
21 UNITED STATES MAGISTRATE JUDGE

22 DATED: 12/19/2023  
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